

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
February 17, 2020

The Lyndon City Council met in regular session on Monday, February 17, 2020, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Steve Morrison called the meeting to order.

- a) ROLL CALL: City Clerk called roll of the City Council. Mayor Steve Morrison and members Lynn Atchison, Doug Harty, Kevin Heit, Darin Schmitt, and Katie Shepard (7:10) present.

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; Scott Culley, Public Works; and Officer David Forkenbrock.

Others Present: Lauri Beach, Brett Lewis, Ed Beatty, Josh Payne, Holly Jones and Gene Hirt.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING:

- a) Schmitt made the motion to approve the regular meeting minutes of February 3, 2020 as amended. Atchison seconded; motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Harty made the motion to approve the bills as set forth. Shepard seconded; motion carried.

4. PUBLIC COMMENTS: Gene Hirt stated it was wonderful to see so many people here at the meeting a couple of weeks ago and voice his concerns about the city not making any improvements in the last nine years. He also spoke briefly about the abatements on the agenda and the issues he has heard in regards to dogs.

Mr. Hirt also wanted to emphasize again the good work that maintenance in doing on repair of the streets, however, more work needs to continue.

Holly Jones stated that she has several issues and requested more than five minutes to speak and the Mayor stated public comment is held to five minutes. Ms. Jones stated several dogs in the neighborhood constantly bark, she has been dealing with this issue for two years now, and feels the city is doing nothing to resolve the issue. Ms. Jones stated she suffers from misophonia which is a very stressful medical condition. She also complained about the feral cats on and around her property.

Mayor Morrison asked the City Attorney to clarify how cat and dog ordinances are handled within the city. City Attorney Walsh stated there is not a cat ordinance; to which Ms. Jones replied "Ordinance 448 talks about cats, dogs and other animal nuisances within the city." City Attorney Walsh also stated the city does have an ordinance on excessive barking. However, it would have to be proven to be habitual and something that an officer witnesses over a period of time. He stated that if a dog barks for two hours straight that would be a violation of that ordinance. There is also a dog at large ordinance, however, the owner would have to be caught in the act in order for a citation to be issued. It was also noted that

to enforce the cat nuisance the owner of the animal would have to be known. Ms. Jones stated she has called in; however, no one is ever dispatched. City Attorney Walsh stated that the City as well as County Officers have been dispatched dozens of times.

5. CORRESPONDENCE TO COUNCIL:

- Public Wholesale Water Supply District Meeting Minutes of January 15, 2020.

6. UNFINISHED BUSINESS:

- a) LEASE AGREEMENT FOR BALLFIELD LIGHTS: The Council was given the initial draft with the Lyndon Rec Commission to reimburse their half of the lighting cost at the two ballfields. The draft does not have numbers included due to working on getting finance bids from the banks. Attorney Walsh stated he knows the Rec wants to pay the loan back over a nine-year period, however, we will not know what those will be until financing is in place. He stated he has given this to the Council to review because the lease will need to be signed by the first meeting in April. After further discussion, it was consensus of the Council to forward the draft agreement onto the Lyndon Rec for their review.
- b) FINANCE BID NOTICE: Attorney Walsh stated the notice includes the two local banks as discussed at the previous meeting. The notice requests the banks to bid interest rates on a lease purchase agreement to finance the lighting at Jones Park Ballfields. The notice is addressed to Lyndon State Bank and Citizens State Bank and has provided a draft notice for the council to review and approve before providing to the banks. Attorney Walsh stated at this time it is not known when the money will be owed and recommended the City does not get the funds too far in advance to avoid paying interest. He also recommended to go ahead and send them to the banks to get the bids by the March 2 meeting. The City Clerk stated that once some of the dates have been updated and corrected, she will deliver them to the banks tomorrow.

7. NEW BUSINESS:

- a) CITY PRIDE FUNDS: The City Clerk stated that when the Pride began in 2012 the organization was and has ran city funded events. The account has been a city account and over the years of events, the funds in the account are mostly profit. At the end of 2019 several people have joined the Pride and the time has come to separate the Pride from the City which was the goal when the City started the organization. The City Clerk stated the Pride bank account to date has \$8,455.59 with \$4,243.90 being Veteran Banner Project money which will stay with the City and \$4,211.69 which is profits from events and is used to for those events. The City Clerk stated that due to the funds belonging to the City she needs direction from the Council if they want to donate the \$4,211.69 to the newly separated Pride. Council member Atchison asked if the new Pride is established and the City Clerk

stated to her knowledge, they are supposed to have a meeting to elect officers this week. After further discussion, Council tabled the matter until the Pride is established with officers.

- b) SEWER ABATEMENTS: The City Clerk presented two sewer abatements for the Council to review. Lauri Beach, 920 Cedar and Kendal Smith, 311 East 10th had both submitted requests for sewer abatements due to water leaks on their properties.

Harty made the motion to approve the sewer abatement for 920 Cedar in the amount of \$185.36. Shepard seconded; motion carried.

Atchison made the motion to approve the sewer abatement for 311 East 10th in the amount of \$17.10. Heit seconded; motion carried.

8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer's report from February 1 to February 15, 2020.

Mayor Morrison asked if there had been a reduction in gas drive offs at Casey due to the new prepay requirement. Officer Forkenbrock stated he has not had one in quite a while.

- b) PUBLIC WORKS: Council received a copy of the Maintenance Activity report from February 4 to February 17, 2020.

Mayor Morrison asked if the Vapex odor control systems are all functional. The Maintenance Supervisor stated there is a blower malfunction. The blower supplies the air that goes through the nozzles which controls the odor and they are getting hot which trips the thermal overload. They are working together to see what the issue is which could be the starter capacitor or the motor itself.

Mayor Morrison asked if the contractor has completed the punch list items and the Maintenance Supervisor stated that anything mechanical has been corrected, however, there is still an issue with some of the painted areas and overhead door. It was also noted they are still waiting on replacement exit lights.

- c) CITY CLERK: The audit presentation is scheduled for the March 2 meeting and provided Council with a draft copy of the audit.

The water use report and Census Boundary and Annexation Surveys are both due March 1.

Tree City application was submitted and the city will more than likely be certified for 2019. The City has been a Tree City for over 20 years.

New information requested by Beth at Ranson Financial about water and sewer billing information were completed and submitted. It was noted that hopefully that rate analysis would be done by March.

The City Clerk stated she would be gone March 5 and March 6 to attend the court clerk conference in Wichita. She also stated she will be attending the KRWA Conference on March 24 and March 25.

The City Clerk stated that they are still working on getting cost information to replace the handheld which is used in reading meters.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Mayor Morrison noted the council chamber had been repainted and thanked Maintenance for their hard work.

10. EXECUTIVE SESSION: At 8:15 p.m. Schmitt made the motion to recess to executive session for 15 minutes for Attorney-Client Privilege with the City Attorney. Shepard seconded; motion carried. At 8:30 p.m. Council reconvened with no binding action taken.

11. ADJOURNMENT: Schmitt made the motion to adjourn to Monday, March 2, 2020 at 7:00 p.m. for regular meeting. Shepard seconded; motion carried.

Respectfully submitted,

Julie Stutzman, CMC
Julie Stutzman, CMC
City Clerk

Approved by the governing body on March 2, 2020

Attest:

Julie Stutzman, CMC
Julie Stutzman, CMC
City Clerk

